

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

BRUCE RHYNE and JANICE
RHYNE,

Plaintiffs,

v.

UNITED STATES STEEL
CORPORATION, et al.,

Defendants.

Civil Action No.: 3:18-cv-00197

**SAFETY-KLEEN SYSTEMS, INC.’S MOTION *IN LIMINE* TO EXCLUDE IMPROPER
REFERENCE TO AND EVIDENCE OF SUBSTANCES IN SAFETY-KLEEN’S
SOLVENT OTHER THAN BENZENE**

Defendant Safety-Kleen Systems, Inc. (hereinafter “Safety-Kleen”), by and through its attorneys, respectfully moves this Court *in limine* to preclude Plaintiffs from introducing argument or evidence to contend that substances in Safety-Kleen’s 105 Solvent (“105 Solvent”) other than benzene caused the development of Mr. Rhyne’s acute myeloid leukemia (“AML”). By Plaintiffs’ own admission and the filings and proceedings to date before the Court, *including* the reports of Plaintiffs’ own experts, Plaintiffs’ have not alleged that substances in 105 Solvent other than benzene caused Mr. Rhyne’s AML, and reference to or evidence of such compounds to make this contention is thus irrelevant and inadmissible.

In addition, introduction of argument or evidence to contend that substances in 105 Solvent other than benzene caused Mr. Rhyne’s AML is unduly prejudicial to Safety-Kleen, as lay jurors may not appreciate that those substances are not at issue or even allegedly dangerous, requiring Safety-Kleen to face potential juror confusion.

Pursuant to Western District of North Carolina Local Rule 7.1(b), Safety-Kleen has

consulted with Plaintiffs who do not consent to the Motion.

Respectfully Submitted this 2nd day of September, 2020.

By: /s/ Eric G. Sauls

Eric G. Sauls
Lewis Brisbois Bisgaard & Smith, LLP
N.C. State Bar No. 38481
4101 Lake Boone Trail, Suite 514
Raleigh, North Carolina 27607-3977
Telephone: (919) 821-4020
Facsimile: (919) 829-0055
Eric.Sauls@lewisbrisbois.com

and

Brian A. Bender (*pro hac vice*)
Judi A. Curry (*pro hac vice*)
Peri A. Berger (*pro hac vice*)
Christopher C. Palermo (*pro hac vice*)
Harris Beach PLLC
100 Wall Street
New York, NY 10005
Telephone: (212) 687-0100
bbender@harrisbeach.com
jcurry@harrisbeach.com
pberger@harrisbeach.com
cpalermo@harrisbeach.com
*Attorneys for Defendant Safety-Kleen Systems,
Inc.*

CERTIFICATE OF SERVICE

This is to certify that the undersigned counsel has this date filed **SAFETY-KLEEN SYSTEMS, INC.'S MOTION *IN LIMINE* TO EXCLUDE IMPROPER REFERENCE TO AND EVIDENCE OF SUBSTANCES IN SAFETY-KLEEN'S SOLVENT OTHER THAN BENZENE** with the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

This the 2nd day of September, 2020.

By: /s/ Peri A. Berger
Peri A. Berger